

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA §
ex rel. Steven Brice Wibracht, and Steven §
Brice Wibracht, Individually, and/or §
through Jose C. Rodriguez as Trustee of §
the Bankruptcy Estate of Steven Brice §
Wibracht and Erin Michelle Wibracht, §
§ **Civil Action No. 2:21-cv-125**
Plaintiff(s)/Relator(s), §
§ **FILED UNDER SEAL**
v. §
§
Travelers Casualty and Surety Company of §
America, Time Insurance Agency a/k/a §
Statewide Surety, John W. Schuler, and §
Michael Padron, §
§
Defendants. §

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION AS TO DEFENDANT JOHN W. SCHULER**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B) and the Court's Order, dated March 15, 2023 (Dkt. No. 19) regarding the relator's First Amended Complaint (Dkt. No. 16), the United States notifies the Court of its decision not to intervene in the allegations against John W. Schuler added by relator in the First Amended Complaint. The United States previously notified the Court that the United States intervenes in that part of the action which alleges violations of the False Claims Act by Michael Padron in connection with the contracts awarded to Blackhawk Ventures, LLC and declines to intervene in all other claims, including part of the action which alleges violations of the False Claims Act by Travelers Casualty and Surety Company of America and by Time Insurance Agency (Dkt. No. 17).

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United

States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's First Amended Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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**ATTORNEYS FOR THE
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